

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5679 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- ASHTHAWAN District- Nalanda

Sharwan Chaudhary Son Of Raghunath Chaudhary @ Baunu Resident Of
Village - Jiyar, P.S. - Asthawan, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Asthawan P.S. Case No.164 of 2023, lodged on 07.07.2023,
under Section 147/148/149/341/302/342/120B of the Indian
Penal Code.

3. As per the prosecution, FIR has been lodged against
seven named and 4 to 6 unknown accused persons with
allegation that they all in connivance with each other had
assaulted the husband of the informant due to which husband
and other family members became injured. During treatment he
died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



submits that from the bare reading of the FIR, it became crystal clear that the informant had lodged the FIR on hearsay material i.e., after receiving information on phone. Learned counsel further submits that there is one criminal antecedent of the petitioner in which he is on bail and it is the matter relating to Excise Act. He is in custody since 29.08.2023. Counsel submits that charge has already been framed and other seven co-accused persons have been granted bail by this Court and by the coordinate Bench of this Court vide order dated 08.02.2024, 20.02.2024, 09.04.2024 and 19.03.2024 passed in Cr. Misc. Nos.73335 of 2023, 9031 of 2024, 6210 of 2024 and 81437 of 2023 respectively.

5. Learned counsel for the State opposes the prayer for bail and submits that the name of the petitioner and other accused persons have figured by virtue of confessional statement of other accused persons.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Nalanda at Biharsharif in connection with Asthawan P.S. Case



No.164 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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